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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST

Case No. 16CV36823

Plaintiff,

WRIT OF EXECUTION

vs.

GAIL RENEE FRENCH; UNKNOWN
HEIRS OF C. MICHAEL FRENCH AKA
CHARLES MICHAEL FRENCH; FRANK
CASTANETTE; CYNTHIA
CASTANETTE; PARTIES IN
POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on November 28, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon execution (subject to redemption) all of the interest which the defendants had on June 25, 2007, the date of

1- WRIT OF EXECUTION
S&S No. 16-118833

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
2 property described in the judgment:

3
4 COMMENCING AT THE NORTHEAST CORNER OF SECTION 30, TOWNSHIP 17
5 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE WEST 7 1/2
6 CHAINS TO THE POINT OF BEGINNING; THENCE SOUTH 40 RODS; THENCE WEST 16
7 RODS; THENCE NORTH 40 RODS; AND THENCE EAST 16 RODS TO THE POINT OF
8 BEGINNING, IN LANE COUNTY, OREGON.

9 and commonly known as 28788 Royal Avenue, Eugene, OR 97402 to satisfy the sum of
10 \$213,218.06, as of January 17, 2018, together with additional post judgment interest of 9.00%
11 from that date (\$51.93 per day), and costs of this execution, making due return within 60 days
12 after you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 16-118833

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1 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust is the Judgment
2 Creditor, and its address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499
3 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland,
4 LLC is the attorney for the Judgment Creditor.
5
6
7

8 JAN 22 2018
9

10 By: Angie Jones
11 court clerk

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: [Signature]



16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
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26 3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST,

Case No. 16CV36823

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

GAIL RENEE FRENCH; UNKNOWN HEIRS OF
C. MICHAEL FRENCH AKA CHARLES
MICHAEL FRENCH; FRANK CASTANETTE;
CYNTHIA CASTANETTE; PARTIES IN
POSSESSION,

Defendants.

Defendant, Parties in Possession, having been dismissed and Default having been entered
against Defendants, Gail Renee French, Cynthia Castanette, Frank Castanette, and Unknown
Heirs of Michael C. French:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Lane County, Oregon is commonly known as 28788 Royal Avenue, Eugene, OR 97402 and
is legally described as follows:

Commencing at the Northeast corner of Section 30, Township 17 South, Range 4 West
of the Willamette Meridian; thence West 7 1/2 chains to the point of beginning; thence
South 40 rods; thence West 16 rods; thence north 40 rods; and thence East 16 rods to
the point of beginning, in Lane County, Oregon.

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118833

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- 1 2. The Deed of Trust executed and delivered by Defendant, C. Michael French, as to an
2 undivided 50% interest and Frank Castanette and Cynthia Castanette, Husband and Wife as
3 to an Undivided 50% interest ("Borrower") on or about June 25, 2007 and recorded on July
4 3, 2007 as Reception No. 2007-045605 in the official records of Lane County, Oregon, is a
5 valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as
6 provided herein.
- 7
- 8 3. The Plaintiff is the holder of the original note dated June 25, 2007 and made by C. Michael
9 French in the amount of \$177,000.00. A copy of the Note was attached to the complaint as
10 Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
11 Trust (together the "Loan").
- 12
- 13 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
14 interest in the Property is foreclosed and terminated excepting only any statutory right of
15 redemption as provided by Oregon law.
- 16 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
17 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
18 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
19 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
20 interests and priorities.
- 21
- 22 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

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26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
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S&S No. 16-118833

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- 1 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
2 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
3 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
4 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
5 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
6 may appear or to the clerk of the court to be distributed to such party of parties as may
7 establish their right thereto.
8
9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
10
11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
12 from and after the date of the sale and is entitled to such remedies as are available at law or
13 in equity to secure possession.
14
15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
16 any person holding possession under or through such Defendant(s) shall refuse to surrender
17 possession to the purchaser immediately on the purchaser's demand for possession.

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$176,640.17	
3	Prejudgment interest at 7.25% through			\$22,726.97
4	September 10, 2017			
5	(accruing thereafter until entry of judgment			
6	at \$35.09 per diem)			
7	Late Charges		\$0.00	
8	Other Costs and fees (recoverable)		3,765.31	
9		Flood Insurance	\$1,402.00	
10		Appraisal/BPO	\$78.00	
11		Property	\$132.00	
12		Inspections		
13		Homeowner's	\$442.00	
14		Insurance		
15		Unspecified	\$1,711.31	
16		Balance		
17		Subtotal		\$180,405.48
18		Total plus Prejudgment Interest		\$203,132.45

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13 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

14	Costs			\$2,117.00
15		Filing Fee	\$531.00	
16		Lis Pendens Recording Fee	\$52.00	
17		Service by Publication	\$1,390.00	
18		Service Costs	\$144.00	
19	Attorney fees			\$2,600.00
20	Total			\$4,717.00

20 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
21 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 16-118833

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.

4 DENIED

5
6 GRANTED

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11 Signed: 11/27/2017 05:05 PM

12 
13 _____
14 R. Curtis Conover, Circuit Court Judge

15
16 **Certificate of Readiness under UTCR 5 100**

17 This proposed order or judgment is ready for judicial signature because:

- 18 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
19 by each party's signature on the document being submitted.
20 2. Each party affected by this order or judgment has approved the order or judgment, as shown
21 by each party's signature on the document being submitted or by written confirmation of approval
22 sent to me.
23 3. I have served a copy of this order or judgment on each party entitled to service and:
24 a. No objection has been served on me.
25 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
26 have filed a copy of the objections I received and indicated which objections remain unresolved.
27 c. After conferring about objections, [role and name of objecting party] agreed to independently
28 file any remaining objection.
4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
5. This is a proposed judgment that includes an award of punitive damages and notice has been

6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118833

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1 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
this rule.

2 6. [] Other: _____

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Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By:  11-13-17

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7 - GENERAL JUDGMENT OF FORECLOSURE AND
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